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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,503	01/28/2004	Masahiko Nakayama	R2184.0297/P297	2566
24998	7590	02/02/2007	EXAMINER	
DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403			COLEMAN, VANESSA V	
			ART UNIT	PAPER NUMBER
			2609	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/02/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)
	10/765,503	NAKAYAMA ET AL.
Examiner	Art Unit	
Vanessa (Brandi) Coleman	2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 January 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 5,7 and 9-14 is/are allowed.

6) Claim(s) 1,2,6 and 8 is/are rejected.

7) Claim(s) 3 and 4 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 January 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/22/06, 11/05/04, 01/28/04.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. .
5) Notice of Informal Patent Application
6) Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: the character "I," first mentioned in [0120] on page 6 of the specification, and the character "LB," first mentioned in [0138] on page 7 of the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: the characters "PD" and "LD", both mentioned in Figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 5 is objected to because of the following informalities: The claim cites a "fourth light receiving area." It is understood that this embodiment of the invention includes four light receiving areas, however, claim should be amended to read "third light receiving area." Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 6 and 8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sakai, US Patent No. 6,339,562.

For Claim 1 of the invention:

An optical pickup apparatus for reproducing information from an optical disk (see Col 1, lines 4-5; Fig. 1), comprising: a semiconductor laser (see Fig. 1; semiconductor laser 1) applying a beam to the optical disk having two recording layers (see Fig. 1; optical disk 5) through an objective lens (see Fig. 1; objective lens 4); and a light receiving device (see Fig. 1; receiving element 7) to which light reflected from the optical disk is directed through said objective lens and a beam splitting device (see Fig. 1; hologram element 2), wherein:

 said beam splitting device has two first light receiving areas (see Fig. 2; 2b and 2c) and a second light receiving area (see Fig. 2; 2a), and
 a configuration is provided such that the center of the optical axis of the reflected light in said beam splitting device is made to lie within said second light receiving area for detecting the focus error signal (see Col. 8, lines 16-49).

For Claim 2 of the invention:

The optical pickup apparatus as claimed in claim 1, wherein: lines defining said three light receiving areas comprise three straight lines (see Fig 2.; straight lines 2g, 2h, where 2g is intersected by 2g at its midpoint to create sections 2b and 2c, thus 2g comprises 2 straight lines) and a curved line (see Fig. 2; where the circumference of item 2 is a curved line).

For Claim 6 of the invention:

The optical pickup apparatus as claimed in claim 1, wherein: said beam splitting device comprises a hologram device (see Figs 1 and 2; hologram element 2).

For Claim 8 of the invention:

An optical disk drive apparatus comprising the optical pickup apparatus claimed in claim 1 (see Col. 1, lines 5-6; optical disk device).

Allowable Subject Matter

6. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 7, 9-14 are allowed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Choi, Yang-Oh	US 5,917,800
Imai et al.	US 6,208,596
Takahashi et al.	US 2001/0050892
Yoo et al.	US 2002/0027862
Saitoh et al.	US 2004/0008606
Okada, Yutaka	US 2004/0027939

For Claim 8 of the invention:

An optical disk drive apparatus comprising the optical pickup apparatus claimed in claim 1 (see Col. 1, lines 5-6; optical disk device).

Allowable Subject Matter

6. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 5, 7, 9-14 are allowed.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa (Brandi) Coleman whose telephone number is (571) 272-9081. The examiner can normally be reached on Monday thru Friday 7:30-5 EST, First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash Ghandi can be reached on (571) 272-9820. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vanessa Coleman
Art Unit 2112

VC


JAYPRAKASH GANDHI
SUPERVISORY PATENT EXAMINER